

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

EDWARD GIBBS JR., :
: Petitioner,
v. : Civil Action No. 07-36-JJF
: THOMAS L. CARROLL,
Warden, and ATTORNEY
GENERAL OF THE STATE
OF DELAWARE,
: Respondents.

O R D E R

IT IS ORDERED that:

1. Respondents shall supplement the state court record with the most recent Superior Court Criminal Docket, Delaware Supreme Court Criminal Docket, and the following pages of Petitioner's December 19, 2003 sentencing transcript: 24-26, 30-46, and 47 to the end.

2. Having ordered Respondents to supplement the record as stated above, Petitioner Edward Gibbs, Jr.'s Motion for an Evidentiary Hearing is DENIED without prejudice to renew. (D.I. 32.) Petitioner has failed "to forecast any evidence" beyond the soon-to-be supplemented record that would help his cause, "or otherwise explain how his claim would be advanced by an evidentiary hearing." Campbell v. Vaughn, 209 F.3d 280, 286-87

(3d Cir. 2001) (internal quotations omitted); see 28 U.S.C. § 2254(e) and Rule 8(a), 28 U.S.C. foll. § 2254.

10/31/07
DATE

Joseph H. Fara J.
UNITED STATES DISTRICT JUDGE